

36/537803



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/537,803	10/23/95	BREIN	36-051

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26M1/0507

EXAMINER  
OPSADNICK, M

ART UNIT	PAPER NUMBER
2300	8

DATE MAILED: 05/07/97

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/537,803

Applicant(s)

Breen

Examiner

Mike Opsasnick

Group Art Unit

2308



☒ Responsive to communication(s) filed on Apr 23, 1997.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-4 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-4 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Oct 23, 1995 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**Part III     DETAILED ACTION**

***Election/Restriction***

1.     Claims 5-10 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention. Election was made without traverse in Paper No. 7.

***Specification***

2.     The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

**Arrangement of the Specification**

The following order or arrangement is preferred in framing the specification and, except for the title of the invention, each of the lettered items should be preceded by the headings indicated below.

- (a) Title of the Invention.
- (b) Cross-References to Related Applications (if any).
- (c) Statement as to rights to inventions made under Federally-sponsored research and development (if any).
- (d) Background of the invention.
  - 1. Field of the Invention.

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2. Description of the Related Art including information disclosed under 37 CFR 1.97-1.99.
  - (e) Summary of the Invention.
  - (f) Brief Description of the Drawing.
  - (g) Description of the Preferred Embodiment(s).
  - (h) Claim(s).
  - (I) Abstract of the Disclosure.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method and database of claims 1-4 must be shown or the features canceled from the claims. No new matter should be entered. See MPEP § 608.02(d). Correction is required.

### ***Claim Objections***

4. Claims 1-4 are objected to because of the following informalities:

As per claim 1 (line 5), the "--" after "comprises:" should be removed.

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As per claim 1 (line 8), the term "the access section" lacks antecedent basis as the term is not previously mentioned.

As per claim 1 (lines 9,13,16), a semi-colon should delineate the method steps instead of a comma.

As per claim 1 (line 11,26), 2 (line 2), the terms "of digital waveform", "of stored digital waveform", "of input signal" are not grammatically correct.

As per claim 1 (line 11, 19) the term "the output section" lacks antecedent basis as the term is not previously mentioned.

As per claim 1 (line 12), the term "said output segment" lacks antecedent basis as the term is not previously mentioned.

As per claim 1 (line 13,16), the term "input segment" or "the equivalent input segment" lacks antecedent basis as the term is not previously mentioned.

As per claim 1 (line 14), the term "the digital segments" lack antecedent basis as the term is not previously mentioned.

As per claim 1 (line 15), the term "said segments" is ambiguous as to which segments are being referenced.

As per claim 1 (line 25), change "utilising" to "utilizing"

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As per claim 2 (line 3), 4 (line 1-2) the term "the input section" lacks antecedent basis as the term is not previously mentioned.

As per claim 3, the phrase "said window" lacks clear antecedent basis (are only input windows intended or are all windows?).

As per claim 4 (line 2), change "organised" to "organized"

As per claim 4 (line 5,12), the term "the central phoneme" lacks antecedent basis as the term is not previously mentioned.

As per claim 4 (line 12), the term "the matching" lacks antecedent basis as the term is not previously mentioned.

As per claim 4 (line 13), the term "the input window" lacks antecedent basis as the term is not previously mentioned.

As per claim 4 (line 13), the term "the first level" lacks antecedent basis as the term is not previously mentioned.

As per claim 4 (lines 17), the term "the bottom level" lacks antecedent basis as the term is not previously mentioned.

Appropriate correction is required.

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***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacks et al (4692941).

As per claim 1, Jacks et al teaches:

"dividing input signal into segments" as parsing sentence into elements (col. 4, lines 60-63);

"retrieving a digital waveform linked to the input" as retrieving phoneme codes (col. 6, lines 12-21, 38-47, 61-66; col. 7 lines 1-4);

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"Joining the digital segments" as cocatenator joining segment blocks (col. 6, lines 44-48);

"Output section contains an extended waveform with location parameters" as output waveform with location parameters in waveform table (col. 7, lines 1-3);

"establishing beginning and ending location parameters" as pointer with addressed specifying beginning and ending (col. 6, lines 61-64);

"utilizing the parameters" as using flag to fetch blocks of the segment sequence (col. 6, lines 43-46). Furthermore, Jacks teaches storing phonemes and transition therebetween (col. 13, lines 25-31), thereby defining the database as a context based database.

As per claim 2, Jacks teaches:

"comparing windows of input signal with windows of the input section of the database" as comparison of input signal with database (col. 5, line 54 - col. 6 line 120;

As per claim 3, Jacks teaches:



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"each window has a length equivalent to 5 phonemes" as converter translating incoming phoneme code sequence (col.5 , lines 50-56).

As per claim 4, Jacks teaches:

database (Fig. 3, converter 42, tables 46,48,50. The database is memory, which can be partitioned in any order)

"Matching comprises selecting an exact match for the central phoneme and a best match for phonemes 2,4 and 1,5" as technique used by converter to look up phoneme codes (col. 6, lines 12-14). The apparatus gets a match for each phoneme which can be any type of match. Since data can be partitioned in any order, the searching technique in the prior art can be considered to be searching different parts of memory.

### ***Conclusion***

2. This is a continuation-in-part of applicant's earlier Application No. 08/166998. All claims are drawn to the same invention claimed in the earlier application and could have been

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finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick whose telephone number is (703)305-4089.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen R. MacDonald, can be reached at (703)305-9708. The facsimile phone number for this group is (703)305-9508.

Any inquiry of a general nature or relating to the status of this applications should be directed to the Group receptionist whose telephone number is (703)305-3900.

Michael N. Opsasnick

May 2, 1997



ALLEN R. MACDONALD  
SUPERVISORY PATENT EXAMINER  
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